APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,147	09/26/2001	Richard Davidson	2001P10389 US	1744

7590   10/27/2005

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER
TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 16 August 2005.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-21* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some *   c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

1.   Claims 1-3, 12, 14, 16 and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jones et al (5,033,076 hereinafter Jones) in view of Pelletier et al

(6,496,569 hereinafter Pelletier).

Regarding claim 1. Jones teaches a method for screening a potentially

unwanted call (Title, abstract), comprising:

determining whether a call is from a public telephone number or from a private

telephone number (see abstract wherein customers offered a class of service and/or

option to dial a privacy request so that their telephone numbers will not be displayed,

col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25);

determining whether the called party has a caller ID feature (abstract, col. 2 lines

27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4

lines 63-68);

completing the call if such call is from a public number and the called party has

the caller id feature (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col.

4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68); and

when the calling party is a private number (see abstract wherein customers

offered a class of service and/or option to dial a privacy request so that their telephone

numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62,

col. 4 lines 22-25),

issuing an announcement to the calling party (col. 2 lines 27-50) stating

that if the call is a potentially unwanted call, the calling party must enter a designated

digit (col. 2 lines 38-43) in order to complete the call and if such designated digit is

dialed, completing the call, whereas if any other digit is dialed, preventing ringing of the

called party's telephone (col. 2 lines 44-50, col. 3 lines 6-9, col. 4 lines 38-53).

According to Applicant's, Jones does not teach called party has caller id feature

(see Applicant's arguments starting at the bottom of page 12 and continuing to end of

paper dated 12/9/2004).

Pelletier discloses querying includes a calling party identification parameter which includes calling party presentation restriction indicator as known to those skilled in the art and requests the return of caller id information (col. 5 lines 32-40). Next, it is determined whether or not the called party subscribes to the present service (i.e. CALLER ID) and if so determine if standard caller id information can be provided to called subscriber (col. 5 lines 40-49, col. 8 line 32 – col. 9 line 57). If standard caller id cannot be provided then caller is requested to speak his/her name and/or the name of company that they represent (col. 5 line 50 – col. 6 line 48). In fact, Pelletier even notifies the called subscribers that the present call is being handled by the present service (col. 6 lines 36-38). Pelletier even allows called subscribers the ability to establish privacy schedule that automatically adjust according to time of day (col. 9 line 58 – col. 10 line 15). Pelletier allows subscribed called party to establish PIN for calling party to enter thereby bypassing privacy levels (col. 10 lines 22-38) thereby providing for an efficient and effective method and system for providing caller id information to a customer when standard caller id information is unavailable as disclosed by Pelletier (col. 11 lines 9-19).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Pelletier into the teachings of Jones in order to allow called subscribers the ability to selectively block calls that have caller id marked as "private" (i.e. Pelletier col. 1 lines 24-41), as well as, only allowing those who know bypass code to be connected to subscribed called party.

Regarding claim 2. Jones teaches a method for screening a potentially

unwanted call (Title, abstract), comprising:

determining whether a call is from a public telephone number or from a private

telephone number (see abstract wherein customers offered a class of service and/or

option to dial a privacy request so that their telephone numbers will not be displayed,

col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25);

determining whether the called party has a caller ID feature (abstract, col. 2 lines

27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4

lines 63-68);

if such call is from a public number and the called party has caller id feature

completing the call (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col.

4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68), and if not,

issuing an announcement to the calling party (col. 2 lines 27-50) stating

that if the call is a potentially unwanted call, the calling party must enter a designated

digit (col. 2 lines 38-43) in order to complete the call and if such designated digit is

dialed, completing the call, whereas if any other digit is dialed, preventing ringing of the

called party's telephone (col. 2 lines 44-50, col. 3 lines 6-9, col. 4 lines 38-53).

According to Applicant's, Jones does not teach called party has caller id feature

(see Applicant's arguments starting at the bottom of page 12 and continuing to end of

paper dated 12/9/2004).

Pelletier discloses querying includes a calling party identification parameter

which includes calling party presentation restriction indicator as known to those skilled

in the art and requests the return of caller id information (col. 5 lines 32-40). Next, it is
determined whether or not the called party subscribes to the present service (i.e.
CALLER ID) and if so determine if standard caller id information can be provided to
called subscriber (col. 5 lines 40-49, col. 8 line 32 – col. 9 line 57). If standard caller id
cannot be provided then caller is requested to speak his/her name and/or the name of
company that they represent (col. 5 line 50 – col. 6 line 48). In fact, Pelletier even
notifies the called subscribers that the present call is being handled by the present
service (col. 6 lines 36-38). Pelletier even allows called subscribers the ability to
establish privacy schedule that automatically adjust according to time of day (col. 9 line
58 – col. 10 line 15). Pelletier allows subscribed called party to establish PIN for calling
party to enter thereby bypassing privacy levels (col. 10 lines 22-38).

It would have been obvious for any one of ordinary skill in the art at the time of
invention to utilize the teachings of Pelletier into the teachings of Jones in order to allow
called subscribers the ability to selectively block calls that have caller id marked as
"private" (i.e. Pelletier col. 1 lines 24-41), as well as, only allowing those who know
bypass code to be connected to subscribed called party thereby providing for an
efficient and effective method and system for providing caller id information to a
customer when standard caller id information is unavailable as disclosed by Pelletier
(col. 11 lines 9-19).

Regarding claim 3. Jones teaches a method for screening a potentially
unwanted call (Title, abstract), comprising:

if such call is determined to be from a private number (see abstract wherein customers offered a class of service and/or option to dial a privacy request so that their telephone numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25), issuing an announcement to the calling party (col. 2 lines 27-50) stating that if the call is a potentially unwanted call, the calling party must enter a designated digit (col. 2 lines 38-43) in order to complete the call and if such designated digit is dialed, completing the call, whereas if any other digit is dialed, preventing ringing of the called party's telephone (col. 2 lines 44-50, col. 3 lines 6-9, col. 4 lines 38-53).

If such call is determined to be from a public telephone number (see abstract wherein customers offered a class of service and/or option to dial a privacy request so that their telephone numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25), determining whether the called party has a caller id feature (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68), and if not, issuing the announcement to the calling party (col. 2 lines 27-50) and if such designated digit is dialed (col. 5 lines 15-17), completing the call whereas if the announcement is issued and any other digit is dialed, preventing ringing of the called party's telephone (col. 5 lines 18-19); and

if such call is determined to be from a public number, and if such called party has caller id feature, ringing the called party's telephone and delivering to the called party the calling party's public telephone number (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68).

According to Applicant's, Jones does not teach called party has caller id feature (see Applicant's arguments starting at the bottom of page 12 and continuing to end of paper dated 12/9/2004).

Pelletier discloses querying includes a calling party identification parameter which includes calling party presentation restriction indicator as known to those skilled in the art and requests the return of caller id information (col. 5 lines 32-40). Next, it is determined whether or not the called party subscribes to the present service (i.e. CALLER ID) and if so determine if standard caller id information can be provided to called subscriber (col. 5 lines 40-49, col. 8 line 32 – col. 9 line 57). If standard caller id cannot be provided then caller is requested to speak his/her name and/or the name of company that they represent (col. 5 line 50 – col. 6 line 48). In fact, Pelletier even notifies the called subscribers that the present call is being handled by the present service (col. 6 lines 36-38). Pelletier even allows called subscribers the ability to establish privacy schedule that automatically adjust according to time of day (col. 9 line 58 – col. 10 line 15). Pelletier allows subscribed called party to establish PIN for calling party to enter thereby bypassing privacy levels (col. 10 lines 22-38).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Pelletier into the teachings of Jones in order to allow called subscribers the ability to selectively block calls that have caller id marked as "private" (i.e. Pelletier col. 1 lines 24-41), as well as, only allowing those who know bypass code to be connected to subscribed called party thereby providing for an efficient and effective method and system for providing caller id information to a

customer when standard caller id information is unavailable as disclosed by Pelletier (col. 11 lines 9-19).

Regarding claim 12. Program claim 12 is rejected for the same reason as method claims 1-3 since the claimed method steps would perform the program code recited in claim 12.

Regarding claim 14. Jones teaches determining if call is from public or private telephone numbers (see abstract wherein customers offered a class of service and/or option to dial a privacy request so that their telephone numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25).

Regarding claim 16. Jones teaches determining whether the called party has a caller id feature is included within central office (see central office 121 and 131 figure 1).

Regarding claim 24. Pelletier teaches the called subscribers have the ability to establish privacy schedule that automatically block or adjust according to time of day (col. 8 line 33 – col. 10 line 15). Pelletier allows subscribed called party to establish PIN for calling party to enter thereby bypassing privacy levels (col. 10 lines 22-38).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Pelletier into the teachings of Jones in order to allow called subscribers the ability to selectively block calls that have caller id marked as "private" (i.e. Pelletier col. 1 lines 24-41), as well as, only allowing those who know bypass code to be connected to subscribed called party thereby providing for an efficient and effective method and system for providing caller id information to a

customer without ringing called subscribers phone as disclosed by Pelletier (col. 9 lines

3-5).

2.   Claims 4-6, 8-11, 13, 15, 17-18, 20 and 22-23 are rejected under 35 U.S.C.

103(a) as being unpatentable over Jones et al (5,033,076 hereinafter Jones) in view of

Gupton (2002/0012426).

            Regarding claim 4. Jones teaches a method for screening a potentially

unwanted call (Title, abstract), whether a call is from a public telephone number or from

a private telephone number (see abstract wherein customers offered a class of service

and/or option to dial a privacy request so that their telephone numbers will not be

displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25);

            when the calling party is a private number (see abstract wherein customers

offered a class of service and/or option to dial a privacy request so that their telephone

numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62,

col. 4 lines 22-25), issuing an announcement to the calling party (col. 2 lines 27-50)

stating that if the call is a potentially unwanted call, the calling party must enter a

designated digit (col. 2 lines 38-43) in order to complete the call and if such designated

digit is dialed, completing the call, whereas if any other digit is dialed, preventing ringing

of the called party's telephone (col. 2 lines 44-50, col. 3 lines 6-9, col. 4 lines 38-53);

            if the called party has a caller ID feature (abstract, col. 2 lines 27-31, col. 2 lines

44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68),

completing the call if such call is from a public number and the called party has the

caller id feature (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4

lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68).

Jones does not explicitly show screening calls to jurisdictions.

Gupton teaches no-soliciting system (title) for selectively rejecting telephone calls

from soliciting and telemarketing organizations (abstract). Gupton discloses that

municipality may require the licensing of soliciting and telemarketing organizations,

subject to penalty for violation, and make available a list of phone numbers of licensed

soliciting and telemarketing organizations (paragraphs 0024-0028). Gupton discloses

switch or SCP may contain both solicitor database 120 and non-solicitation database

125 thereby allowing telecommunications switch and/or SCP the ability to block

telemarketers (paragraphs 0026-0028) even telemarketers that try to ignore municipality

requirements (paragraph 0034). Gupton also first checks to see if subscriber has

subscribed to service before offering the service (paragraph 0030, see step 220 figure

2). Gupton further allows subscribers dial feature code "*99" to activate service

(paragraphs 0035-0036).

It would have been obvious for any one of ordinary skill in the art at the time of

the invention to utilize the teachings of Gupton into the teachings of Jones in order to

provide a flexible system that allows subscribers the ability to not only block

telemarketer calls but also block telemarketers that try to avoid having their telephone

numbers made available as taught by Gupton (paragraphs 0008, 0034 and 0036).

Regarding claim 5. Jones teaches a method for screening a potentially unwanted call (Title, abstract), whether a call is from a public telephone number or from a private telephone number (see abstract wherein customers offered a class of service and/or option to dial a privacy request so that their telephone numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25);

when the calling party is a private number (see abstract wherein customers offered a class of service and/or option to dial a privacy request so that their telephone numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25), issuing an announcement to the calling party (col. 2 lines 27-50) stating that if the call is a potentially unwanted call, the calling party must enter a designated digit (col. 2 lines 38-43) in order to complete the call and if such designated digit is dialed, completing the call, whereas if any other digit is dialed, preventing ringing of the called party's telephone (col. 2 lines 44-50, col. 3 lines 6-9, col. 4 lines 38-53);

if the called party has a caller ID feature (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68), completing the call if such call is from a public number and the called party has the caller id feature (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68).

Jones does not explicitly show screening calls to jurisdictions.

Gupton teaches no-soliciting system (title) for selectively rejecting telephone calls from soliciting and telemarketing organizations (abstract). Gupton discloses that

municipality may require the licensing of soliciting and telemarketing organizations,

subject to penalty for violation, and make available a list of phone numbers of licensed

soliciting and telemarketing organizations (paragraphs 0024-0028). Gupton discloses

switch or SCP may contain both solicitor database 120 and non-solicitation database

125 thereby allowing telecommunications switch and/or SCP the ability to block

telemarketers (paragraphs 0026-0028) even telemarketers that try to ignore municipality

requirements (paragraph 0034). Gupton also first checks to see if subscriber has

subscribed to service before offering the service (paragraph 0030, see step 220 figure

2). Gupton further allows subscribers dial feature code "*99" to activate service

(paragraphs 0035-0036).

It would have been obvious for any one of ordinary skill in the art at the time of

the invention to utilize the teachings of Gupton into the teachings of Jones in order to

provide a flexible system that allows subscribers the ability to not only block

telemarketer calls but also block telemarketers that try to avoid having their telephone

numbers made available as taught by Gupton (paragraphs 0008, 0034 and 0036).

Regarding claim 6. Jones teaches using an identifier used for calling party (col. 5

lines 10-17).

Regarding claim 8. Jones teaches a method for screening a potentially

unwanted call (Title, abstract), whether a call is from a public telephone number or from

a private telephone number (see abstract wherein customers offered a class of service

and/or option to dial a privacy request so that their telephone numbers will not be

displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25);

when the calling party is a private number (see abstract wherein customers

offered a class of service and/or option to dial a privacy request so that their telephone

numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62,

col. 4 lines 22-25), issuing an announcement to the calling party (col. 2 lines 27-50)

stating that if the call is a potentially unwanted call, the calling party must enter a

designated digit (col. 2 lines 38-43) in order to complete the call and if such designated

digit is dialed, completing the call, whereas if any other digit is dialed, preventing ringing

of the called party's telephone (col. 2 lines 44-50, col. 3 lines 6-9, col. 4 lines 38-53);

if the called party has a caller ID feature (abstract, col. 2 lines 27-31, col. 2 lines

44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68),

completing the call if such call is from a public number and the called party has the

caller id feature (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4

lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68).

Jones does not explicitly show screening calls to jurisdictions.

Gupton teaches no-soliciting system (title) for selectively rejecting telephone calls

from soliciting and telemarketing organizations (abstract). Gupton discloses that

municipality may require the licensing of soliciting and telemarketing organizations,

subject to penalty for violation, and make available a list of phone numbers of licensed

soliciting and telemarketing organizations (paragraphs 0024-0028). Gupton discloses

switch or SCP may contain both solicitor database 120 and non-solicitation database

125 thereby allowing telecommunications switch and/or SCP the ability to block

telemarketers (paragraphs 0026-0028) even telemarketers that try to ignore municipality

requirements (paragraph 0034). Gupton also first checks to see if subscriber has

subscribed to service before offering the service (paragraph 0030, see step 220 figure

2). Gupton further allows subscribers dial feature code "*99" to activate service

(paragraphs 0035-0036).

It would have been obvious for any one of ordinary skill in the art at the time of

the invention to utilize the teachings of Gupton into the teachings of Jones in order to

provide a flexible system that allows subscribers the ability to not only block

telemarketer calls but also block telemarketers that try to avoid having their telephone

numbers made available as taught by Gupton (paragraphs 0008, 0034 and 0036).

Regarding claim 9. Jones teaches a method for screening a potentially

unwanted call (Title, abstract), whether a call is from a public telephone number or from

a private telephone number (see abstract wherein customers offered a class of service

and/or option to dial a privacy request so that their telephone numbers will not be

displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25);

when the calling party is a private number (see abstract wherein customers

offered a class of service and/or option to dial a privacy request so that their telephone

numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62,

col. 4 lines 22-25), issuing an announcement to the calling party (col. 2 lines 27-50)

stating that if the call is a potentially unwanted call, the calling party must enter a

designated digit (col. 2 lines 38-43) in order to complete the call and if such designated

digit is dialed, completing the call, whereas if any other digit is dialed, preventing ringing

of the called party's telephone (col. 2 lines 44-50, col. 3 lines 6-9, col. 4 lines 38-53);

if the called party has a caller ID feature (abstract, col. 2 lines 27-31, col. 2 lines

44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68),

completing the call if such call is from a public number and the called party has the

caller id feature (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4

lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68).

Jones does not explicitly show screening calls to jurisdictions.

Gupton teaches no-soliciting system (title) for selectively rejecting telephone calls

from soliciting and telemarketing organizations (abstract). Gupton discloses that

municipality may require the licensing of soliciting and telemarketing organizations,

subject to penalty for violation, and make available a list of phone numbers of licensed

soliciting and telemarketing organizations (paragraphs 0024-0028). Gupton discloses

switch or SCP may contain both solicitor database 120 and non-solicitation database

125 thereby allowing telecommunications switch and/or SCP the ability to block

telemarketers (paragraphs 0026-0028) even telemarketers that try to ignore municipality

requirements (paragraph 0034). Gupton also first checks to see if subscriber has

subscribed to service before offering the service (paragraph 0030, see step 220 figure

2). Gupton further allows subscribers dial feature code "*99" to activate service (paragraphs 0035-0036).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Gupton into the teachings of Jones in order to provide a flexible system that allows subscribers the ability to not only block telemarketer calls but also block telemarketers that try to avoid having their telephone numbers made available as taught by Gupton (paragraphs 0008, 0034 and 0036).

Regarding claim 10. Jones teaches a method for screening a potentially unwanted call (Title, abstract), whether a call is from a public telephone number or from a private telephone number (see abstract wherein customers offered a class of service and/or option to dial a privacy request so that their telephone numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25);

when the calling party is a private number (see abstract wherein customers offered a class of service and/or option to dial a privacy request so that their telephone numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25), issuing an announcement to the calling party (col. 2 lines 27-50) stating that if the call is a potentially unwanted call, the calling party must enter a designated digit (col. 2 lines 38-43) in order to complete the call and if such designated digit is dialed, completing the call, whereas if any other digit is dialed, preventing ringing of the called party's telephone (col. 2 lines 44-50, col. 3 lines 6-9, col. 4 lines 38-53);

if the called party has a caller ID feature (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68), completing the call if such call is from a public number and the called party has the caller id feature (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68).

Jones does not explicitly show screening calls to jurisdictions.

Gupton teaches no-soliciting system (title) for selectively rejecting telephone calls from soliciting and telemarketing organizations (abstract). Gupton discloses that municipality may require the licensing of soliciting and telemarketing organizations, subject to penalty for violation, and make available a list of phone numbers of licensed soliciting and telemarketing organizations (paragraphs 0024-0028). Gupton discloses switch or SCP may contain both solicitor database 120 and non-solicitation database 125 thereby allowing telecommunications switch and/or SCP the ability to block telemarketers (paragraphs 0026-0028) even telemarketers that try to ignore municipality requirements (paragraph 0034). Gupton also first checks to see if subscriber has subscribed to service before offering the service (paragraph 0030, see step 220 figure 2). Gupton further allows subscribers dial feature code "*99" to activate service (paragraphs 0035-0036).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Gupton into the teachings of Jones in order to provide a flexible system that allows subscribers the ability to not only block

telemarketer calls but also block telemarketers that try to avoid having their telephone numbers made available as taught by Gupton (paragraphs 0008, 0034 and 0036).

Regarding claim 11. Jones teaches a method for screening a potentially unwanted call (Title, abstract), whether a call is from a public telephone number or from a private telephone number (see abstract wherein customers offered a class of service and/or option to dial a privacy request so that their telephone numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25);

when the calling party is a private number (see abstract wherein customers offered a class of service and/or option to dial a privacy request so that their telephone numbers will not be displayed, col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25), issuing an announcement to the calling party (col. 2 lines 27-50) stating that if the call is a potentially unwanted call, the calling party must enter a designated digit (col. 2 lines 38-43) in order to complete the call and if such designated digit is dialed, completing the call, whereas if any other digit is dialed, preventing ringing of the called party's telephone (col. 2 lines 44-50, col. 3 lines 6-9, col. 4 lines 38-53);

if the called party has a caller ID feature (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68), completing the call if such call is from a public number and the called party has the caller id feature (abstract, col. 2 lines 27-31, col. 2 lines 44-50, col. 3 lines 2-19, col. 4 lines 12-21, col. 4 lines 35-38, col. 4 lines 63-68).

Jones does not explicitly show screening calls to jurisdictions.

Gupton teaches no-soliciting system (title) for selectively rejecting telephone calls

from soliciting and telemarketing organizations (abstract). Gupton discloses that

municipality may require the licensing of soliciting and telemarketing organizations,

subject to penalty for violation, and make available a list of phone numbers of licensed

soliciting and telemarketing organizations (paragraphs 0024-0028). Gupton discloses

switch or SCP may contain both solicitor database 120 and non-solicitation database

125 thereby allowing telecommunications switch and/or SCP the ability to block

telemarketers (paragraphs 0026-0028) even telemarketers that try to ignore municipality

requirements (paragraph 0034). Gupton also first checks to see if subscriber has

subscribed to service before offering the service (paragraph 0030, see step 220 figure

2). Gupton further allows subscribers dial feature code "*99" to activate service

(paragraphs 0035-0036).

It would have been obvious for any one of ordinary skill in the art at the time of

the invention to utilize the teachings of Gupton into the teachings of Jones in order to

provide a flexible system that allows subscribers the ability to not only block

telemarketer calls but also block telemarketers that try to avoid having their telephone

numbers made available as taught by Gupton (paragraphs 0008, 0034 and 0036).

Regarding claim 13. Program claim 13 is rejected for the same reason as

method claims 4-5 and 8-11 since the claimed method steps would perform the program

code recited in claim 13.

Regarding claim 15. Jones teaches determining if call is from public or private

telephone numbers (see abstract wherein customers offered a class of service and/or

option to dial a privacy request so that their telephone numbers will not be displayed,

col. 2 lines 62-68, col. 3 lines 1-19, col. 3 lines 44-62, col. 4 lines 22-25).

Regarding claims 17-18 and 20. Jones teaches determining on per call basis

(col. 2 lines 62-68, col. 3 lines 2-19).

Regarding claims 22 and 23. Gupton teaches determining at central or

terminating central office (see paragraphs 0026 and 0028).

3.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et

al (5,033,076 hereinafter Jones) in view of Pelletier et al (6,496,569 hereinafter

Pelletier) further in view of Wu (5,872,840).

Regarding claim 21. Jones in view of Pelletier fail to teach checking whether the

called party is busy.

Wu teaches an enhancement do not disturb subscriber feature within a

telecommunications network (Title, abstract). Wu teaches an enhanced-do-not-disturb

list is maintained in the terminating telecommunications exchange (see "ENHANCED

DND" list located in terminating telecommunications exchange 55 figure 2) so that

incoming call to customer that subscribes to enhanced DND may be restricted or barred

(col. 6 lines 5-57). Wu further teaches if the called subscriber is busy, an intrusion tone,

such as a call waiting tone or distinctive tone, is generated on an existing call

connection to inform the called subscriber of call waiting (col. 6 line 58 – col. 7 line 34).

It would have been obvious for any one of ordinary skill in the art at the time of

the invention to utilize the teachings of Wu into the teachings of Jones and Pelletier for

the benefit of restricting or barring incoming calls appearing on the enhanced-do-not-disturb list, as well as, notifying subscribed called party that incoming call is waiting when the called party is already using the phone.

4.   Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (5,033,076 hereinafter Jones) in view of Gupton (2002/0012426) further in view of Wu (5,872,840).

Regarding claims 7 and 19. Jones in view of Gupton fail to teach issuing busy tone.

Wu teaches an enhancement do not disturb subscriber feature within a telecommunications network (Title, abstract). Wu teaches an enhanced-do-not-disturb list is maintained in the terminating telecommunications exchange (see "ENHANCED DND" list located in terminating telecommunications exchange 55 figure 2) so that incoming call to customer that subscribes to enhanced DND may be restricted or barred (col. 6 lines 5-57). Wu further teaches if the called subscriber is busy, an intrusion tone, such as a call waiting tone or distinctive tone, is generated on an existing call connection to inform the called subscriber of call waiting (col. 6 line 58 – col. 7 line 34).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Wu into the teachings of Jones and Gupton for the benefit of restricting or barring incoming calls appearing on the enhanced-do-not-disturb list, as well as, notifying subscribed called party that incoming call is waiting when the called party is already using the phone.

Response to Arguments

5.   Applicant's arguments filed 8/16/05 have been fully considered but they are not

persuasive.

a)   Regarding Applicants arguments starting at the bottom of page 13 and continuing

to page 14, paper dated 8/16/05 wherein Applicant continue to argue that Jones does

not teach determining if called party has caller id feature.

The Examiner respectfully disagrees. Jones class of service does indicate that

subscriber subscribes to a particular caller-id type of service which reads on Applicants

general claim limitation of "determining whether the called party has a caller-id feature"

where Examiner interprets a caller-id feature to be anonymous call rejection as recited

by Jones. Furthermore, the Examiner notes that Pelletier discloses querying includes a

calling party identification parameter which includes calling party presentation restriction

indicator as known to those skilled in the art and requests the return of caller id

information (col. 5 lines 32-40). Next, it is determined whether or not the called party

subscribes to the present service (i.e. CALLER ID) and if so determine if standard caller

id information can be provided to called subscriber (col. 5 lines 40-49, col. 8 line 32 –

col. 9 line 57). If standard caller id cannot be provided then caller is requested to speak

his/her name and/or the name of company that they represent (col. 5 line 50 – col. 6 line

48). In fact, Pelletier even notifies the called subscribers that the present call is being

handled by the present service (col. 6 lines 36-38). Pelletier even allows called

subscribers the ability to establish privacy schedule that automatically adjust according

to time of day (col. 9 line 58 – col. 10 line 15). Pelletier allows subscribed called party to

establish PIN for calling party to enter thereby bypassing privacy levels (col. 10 lines 22-

38) thereby providing for an efficient and effective method and system for providing

caller id information to a customer when standard caller id information is unavailable as

disclosed by Pelletier (col. 11 lines 9-19).

It would have been obvious for any one of ordinary skill in the art at the time of

invention to utilize the teachings of Pelletier into the teachings of Jones in order to allow

called subscribers the ability to selectively block calls that have caller id marked as

"private" (i.e. Pelletier col. 1 lines 24-41), as well as, only allowing those who know

bypass code to be connected to subscribed called party.

b)   Next, Applicants generally argue that Pelletier does not ever disclose determining

whether the called party has caller-ID or not (see page 15, paper dated 8/16/05).

The Examiner respectfully disagrees. The Examiner first notes that Applicants

independent claim language is extremely vague. Applicants independent claims do not

require determining if subscribers subscribe to caller id, instead, Applicants independent

claims generally determine whether the called party has a caller id **feature**. The privacy

feature as taught by Pelletier is enough to determine if called party has a caller id

"**feature**". Pelletier indeed checks to see if called party subscribes to caller id feature

(see for example col. 5 lines 43-49). Pelletier even allows called subscribers the ability

to establish privacy schedule that automatically adjust according to time of day (col. 9

line 58 – col. 10 line 15) which also reads on subscriber subscribing to caller id **feature**.

Pelletier allows subscribed called party to establish PIN for calling party to enter thereby

bypassing privacy levels (col. 10 lines 22-38) thereby providing for an efficient and

effective method and system for providing caller id information to a customer when

standard caller id information is unavailable (col. 11 lines 9-19) which also reads on

caller id **feature**.

c)   Next, Applicants contend that Gupton (see starting on page 18 and continuing to

end, paper dated 8/16/05) does not teach screening telemarketing calls to jurisdictions

(i.e. Do-not-disturb/call list).

The Examiner respectfully disagrees. Gupton teaches no-soliciting system (title)

for selectively rejecting telephone calls from soliciting and telemarketing organizations

(abstract). Gupton discloses that municipality may require the licensing of soliciting and

telemarketing organizations, subject to penalty for violation, and make available a list of

phone numbers of licensed soliciting and telemarketing organizations (paragraphs

0024-0028). Gupton discloses switch or SCP may contain both solicitor database 120

and non-solicitation database 125 thereby allowing telecommunications switch and/or

SCP the ability to block telemarketers (paragraphs 0026-0028) even telemarketers that

try to ignore municipality requirements (paragraph 0034). Gupton also first checks to

see if subscriber has subscribed to service before offering the service (paragraph 0030,

see step 220 figure 2). Gupton further allows subscribers dial feature code "*99" to

activate service (paragraphs 0035-0036).

d)   Applicants conclude by contending that none of the references determine on a

per call basis (see page 21, paper dated 8/16/05).

The Examiner notes that all of the references provide services to subscribers

wherein service provider first checks before providing the service. In fact, Gupton does

check to see if called party subscribes to no-solicitation feature before service provided

to customer (see at least item 220 figure 2).

Conclusion

6.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who
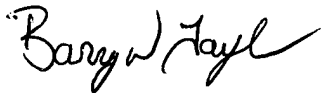is available Monday-Friday, 8am to 5pm.
    If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The central facsimile phone
number for this group is **571-273-8300.**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (571-273-8300).

Barry W. Taylor
Primary Examiner
Technology Center 2600
Art Unit 2643